

A circular black ink stamp from the Intellectual Property Office (OIPE). The text "OIPE" is at the top, "JCS2" is at the top right, "MAR 21 2005" is in the center, and "PATENT & TRADEMARK OFFICE" is at the bottom.

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* Admitted only in California
 § Admitted only in Virginia

A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

☒ Form PTO-1449 listing 27 references submitted for consideration.

☒ Copies of the 6 required references listed on the Form PTO-1449.

☐ English translations as indicated on the Form PTO-1449 of the references which are not in the English language.

☐ Copies of the following documents from the prosecution of a previous, related application:

☐ Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT; and

☐ Form PTO-892

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

I. ☒ Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.

II. ☐ Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:

☐ Promptness Certification; or

☐ Credit Card Form PTO 2038 in the amount of \$180.00 constituting the submission fee set forth in 37 C.F.R. § 1.17(p).

III. ☐ After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

☐ Promptness Certificate;

☐ Petition for Consideration; and

____ Check No. in the amount of \$ _____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

IV. ____ After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

____ Petition to Withdraw from Issue; and

____ Check No. _____ in the amount of \$ _____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.

X Any fee required in relation to filing of this letter or any documents transmitted therewith.

____ The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).

____ The submission fee set forth in 37 C.F.R. § 1.17(p).

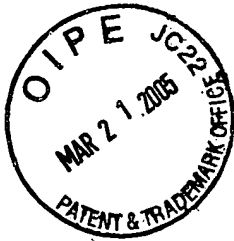
____ The petition fee set forth in 37 C.F.R. § 1.17(i)(1).

Dated this 16 day of March, 2005.

Respectfully submitted,



Ryan D. Benson
Attorney for Applicants
Registration No. 54,767
Customer No. 022913
Telephone No. (801) 533-9800



PATENT APPLICATION
Docket No. 13914.869

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
	Cutler, et al.)
) Art Unit
Serial No.:	10/733,684) 3764
)
Filed:	December 11, 2003)
)
Confirmation No.:	8973)
)
For:	INCLINE TRAINER)
)
Examiner:	Unknown)

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97

Mail Stop: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which

the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof is also enclosed.

Statement of Relevance of References Listed
Unaccompanied by English Translation
Under 37 C.F.R. § 1.98(a)(3)

In accordance with 37 C.F.R. § 1.98(a)(3), the following concise explanation of the relevance of each listed reference that is not in the English language and unaccompanied by a translation into English is provided:

PCT No. WO 03/101543 A1, Issued 12/11/2003: Treadmill. The invention relates to a treadmill comprising a front cylinder (1), which is height-adjustable and rotationally mounted, a rear cylinder, which is rotationally mounted and a belt (3), which runs around the front cylinder (1) and the rear cylinder and whose external surface forms the running surface (31) of the treadmill. The treadmill has at least one strut (4) that can be extended, on which the front cylinder (1) can be mounted, at least by indirect means.

Please credit any over payment or charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

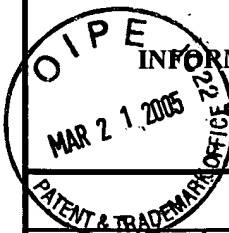
Dated this 18 day of March, 2005.

Respectfully submitted,



Ryan D. Benson
Attorney for Applicants
Registration No. 54,767
Customer No. 022913
Telephone No.: (801) 533-9800

RDB/lrc
LC0000001302V001



INFORMATION DISCLOSURE CITATION
(Use several sheets if necessary)

Docket Number (Optional) 13914.869	Application Number 10/733,684
Applicant(s) Cutler, et al.	
Filing Date December 11, 2003	Group Art Unit 3764

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	1	D421,779	3/2000	Piaget, et al.	D21	669	
	2	D447,780	9/2001	Arnold, et al.	D21	669	
	3	D450,792	11/2001	Kuo	D21	669	
	4	4,913,396	4/1990	Dalebout, et al.	248	649	
	5	5,029,801	7/1991	Dalebout, et al.	248	649	

U.S. PATENT APPLICATION PUBLICATIONS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						YES	NO
1	WO 03/101543 A1	12/11/03	Germany	A63B	22/02		✓

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

1	Reebok Store – Reebok RX 7200 Treadmill w/10 workout options, http://store.reebok.com/product/index.jsp , November 3, 2003 (11 pages).
2	Treadclimber by Nautilus, Copyright 2003 (1 page).

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



PATENT APPLICATION
Docket No: 13914.869

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)	
	Cutler, et al.)	
Serial No.:	10/733,684)	Art Unit
Filed:	December 11, 2003)	3764
Confirmation No.:	8973)	
For:	INCLINE TRAINER)	

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that the following documents are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop: AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 18 day of March, 2005:

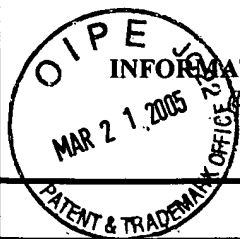
- Transmittal for Information Disclosure Statement (3 pgs.)
(in duplicate)
- Information Disclosure Statement (2 pgs.)
- Form PTO-1449 (5 pages)
- Copies of 6 references
- Postcard

Respectfully submitted,

Kelli Clark, Assistant to
Ryan D. Benson
Attorney for Applicants
Registration No. 54,767

Customer No. 022913

Telephone No. (801) 533-9800



INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Docket Number (Optional)

13914.869

Application Number

10/733,684

Applicant(s)

Cutler, et al.

Filing Date

December 11, 2003

Group Art Unit

3764

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	6	5,085,426	2/1992	Wanzer, et al.	272	69	
	7	5,163,885	11/1992	Wanzer, et al.	482	54	
	8	5,352,167	10/1994	Ulicny	482	54	
	9	5,372,559	12/1994	Dalebout, et al.	482	54	
	10	5,683,332	11/1997	Watterson, et al.	482	54	

U.S. PATENT APPLICATION PUBLICATIONS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO

OTHER DOCUMENTS

(Including Author, Title, Date, Pertinent Pages, Etc.)

	3	Reebok User's Manual -- ACD1 Treadmill, Copyright 1998 (26 pages)
	4	Reebok User's Manual -- ACD2 Treadmill, Copyright 1998 (26 pages)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>				Docket Number (Optional) 13914.869		Application Number 10/733,684	
				Applicant(s) Cutler, et al.			
				Filing Date December 11, 2003		Group Art Unit 3764	

U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	11	5,718,657	2/1998	Dalebout, et al.	482	54	
	12	5,860,893	1/1999	Watterson, et al.	482	54	
	13	6,050,923	4/2000	Yu	482	54	
	14	6,132,340	10/2000	Wang, et al.	482	54	
	15	6,261,209	7/2001	Coody	482	54	

U.S. PATENT APPLICATION PUBLICATIONS							
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO

OTHER DOCUMENTS			<i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>
	5	Reebok User's Manual -- ACD3 Treadmill, Copyright 1998 (30 pages).	

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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	Applicant(s) Cutler, et al.	
	Filing Date December 11, 2003	Group Art Unit 3764

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	16	6,273,843	8/2001	Lo	482	54	
	17	6,432,026	8/2002	Wang, et al.	482	54	
	18	6,461,275	10/2002	Wang, et al.	482	8	
	19	6,475,121	11/2002	Wang, et al.	482	54	
	20	6,533,707 B2	3/2003	Wang, et al.	482	54	

U.S. PATENT APPLICATION PUBLICATIONS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						YES	NO

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

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U.S. PATENT DOCUMENTS								
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FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO
OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>								
EXAMINER				DATE CONSIDERED				
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